

REMARKS

In the Office Action mailed on August 16, 2004, the Examiner: (1) objected to claims 3, 13, 19, 30, 38, 48, 54, 64, 70, and 80; (2) rejected claims 1-5, 7-11, 13, 14, 16, 17-21, 24-28, 30-31, 33-40, 42-46, 48-49, 51-56, 58-62, 64, 65, 67-72, 74-78, 80, 81, and 83 under 35 U.S.C. § 103(a) as being unpatentable over Domenikos et al. (U.S. Patent No. 5,838,916) (Domenikos) in view of Lin et al. (U.S. Patent No. 6,052,785) (Lin); (3) rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Domenikos and Lin, and further in view of Schuetze et al. (U.S. Patent No. 6,751,612) (Schuetze); (4) rejected claims 6, 15, 23, 32, 41, 50, 57, 66, 73, and 82 under 35 U.S.C. § 103(a) as being unpatentable over Domenikos and Lin, and further in view of Ueno et al. (U.S. Patent No. 5, 999,995) (Ueno); and (5) rejected claims 12, 29, 47, 63, and 79 under 35 U.S.C. § 103(a) as being unpatentable over Domenikos and Lin, and further in view of Bakshi et al. (U.S. Patent No. 6,101,328) (Bakshi).

By this Amendment, Applicants have amended claims 1-4, 6, 12, 13, 17, 19, 20, 23, 30, 34-36, 38, 39, 41, 48, 52, 54, 55, 57, 64, 68, 70, 71, 73, and 80. Claims 18, 37, 53, and 69 have been canceled without prejudice or disclaimer of the subject matter thereof.

Concerning the objection to claims 3, 13, 19, 30, 38, 48, 54, 64, 70, and 80, Applicants have amended these claims to correct the informalities pointed out by the Examiner. Accordingly, Applicants respectfully request the Examiner to withdraw the objection to these claims.

With respect to the rejections under 35 U.S.C. § 103(a), Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness for at

least two independent and distinct reasons. Indeed, as set forth in more detail below, it is respectfully submitted that the obviousness assertions based on Domenikos and Lin, which are central to all of the rejections set forth by the Office, are improper and should therefore be withdrawn. Furthermore, the references and arguments presented by the Office in furtherance to Domenikos and Lin fail to cure this core deficiency (the improper combination of these references), and thus it is submitted that all of the pending claims are allowable over the 35 U.S.C. § 103(a) rejections set forth in the Office Action.

Specifically, then, Applicants request that the Examiner withdraw the rejection of claims 1-5, 7-11, 13, 14, 16, 17-21, 24-28, 30-31, 33-40, 42-46, 48-49, 51-56, 58-62, 64-65, 67-72, 74-78, 80-81, and 83 over Domenikos in view of Lin because the Office Action does not set forth a *prima facie* case of obviousness. A *prima facie* case of obviousness requires three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine references.

M.P.E.P. § 2143. Second, there must be a reasonable expectation of success. Id. Third, the prior art reference (or references when combined) must teach or suggest all of the claim elements. Id. Moreover, the requisite teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. M.P.E.P. § 706.02(j) (citing In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d (BNA) 1438 (Fed. Cir. 1991)).

Applicants respectfully submit that the Examiner, here, has failed to establish a *prima facie* case of obviousness for at least the following two reasons.

First, even if they were capable of being combined (which they cannot be), Domenikos and Lin do not teach the subject matter of amended claim 1. Amended claim 1 recites a method for retrieving and processing stored information comprising receiving a processing message from a central computer including address data, for retrieval of stored information, wherein the address data is selected by the central computer so as to optimize the retrieval of the stored information.

In contrast, Domenikos is directed to allowing clients to execute legacy application programs stored at a server site via a web browser. (col. 1, ll. 13-16; col. 7, ll. 47-51). In particular, Domenikos attempts to solve problems with execution of applications over the Internet by using an approach different from the JAVA approach. (col. 2, ll. 5-54). As part of this process, Domenikos proposes using logical disk partitions to store different types of computer files (DOS, UNIX, or VAX) and a corresponding logical file system at a server site. (Fig. 3, col. 11, l. 53, col. 12, l. 4). When a client, using a web-browser, requests execution of an application program, a remote procedure call can be generated to mount the relevant logical file system that contains the application program requested by the client. (col. 14, ll. 50-58). Also, apparently, as part of this process, a “client-type-signal” is used to determine a client-compatible logical file system. (col. 14, ll. 9-19). Domenikos, however, does not teach or suggest a method for retrieving and processing stored information comprising receiving a processing message from a central computer including address data, for retrieval of stored information, wherein the address data is selected by the central computer so as to optimize the retrieval of the stored information.

Lin does not cure the deficiencies of Domenikos. Lin is related to authentication of computer users for access to remote data by storing client credentials at a middle-tier server. (col. 1, ll. 7-12; col. 3, ll. 41-51). As part of the “Background of the Invention” section Lin notes that in three-tiered client-server architectures, present solutions for providing access to remote data require that each client requesting access to the remote data be authenticated by the remote data repository every time the client requests access to the remote data. (col. 3, ll. 8-32). In particular, as part of Figure 1, Lin shows the first tier as the clients, the second tier as the middle tier server and the third tier as the back-end data repositories. (Figure 1, col. 2, ll. 41-43). Lin further notes that in existing solutions, the middle tier server requests authorization credentials from the user (“client credentials”), which are then entered by the user, and then these are passed to the remote data depository for validation. (col. 3, ll. 8-15). According to Lin, because the remote data depository forgets about the client after providing access to the data, a subsequent access by the same client results in repeated requests for authentication data. (col. 3, ll. 16-22). To solve this problem, Lin proposes storing client credentials as part of the middle tier server and having that server perform the client/user authentication. (col. 3, ll. 41-51). This way multiple clients can access multiple data repositories without the need for the client to authenticate with the remote data depository on each access. Id. Lin, however, does not teach or suggest a method for retrieving and processing stored information comprising receiving a processing message from a central computer including address data, for retrieval of stored information, wherein the address data is selected by the central computer so as to optimize the retrieval of the stored information. Accordingly, even if Lin was capable of

being combined with Domenikos, the combination would not teach or suggest a method for retrieving and processing stored information comprising receiving a processing message from a central computer including address data, for retrieval of stored information, wherein the address data is selected by the central computer so as to optimize the retrieval of the stored information. Accordingly, Applicants respectfully request the Examiner to allow amended claim 1.

Second, a person of ordinary skill in the art would have had no motivation to combine Domenikos with Lin. Domenikos is directed to allowing clients to execute legacy application programs stored at a server site via a web browser. (col. 1, ll. 13-16; col. 7, ll. 47-51). Lin is related to authentication of computer users for access to remote data repositories by storing client credentials at a middle-tier server. (col. 1, ll. 7-12; col. 3, ll. 41-51). Thus, a person of ordinary skill in the art would not have had any motivation to combine the two references.

Accordingly, based even upon this reason alone, Applicants request the Examiner to withdraw the instant rejection and allow amended claim 1. Furthermore, because claims 2-16 depend, directly or indirectly, from claim 1, they are also allowable for at least the same reasons as claim 1.

Regarding independent claim 17, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness for similar reasons as given above with respect to claim 1. In particular, even when combined (which they cannot be) Domenikos and Lin do not teach the subject matter of amended claim 17. Amended claim 17 recites a method for retrieving and processing stored information comprising assigning and sending a processing message to a remote computer

including address data selected by comparison of a characteristic of the remote computer with a priority listing of the address data to retrieve, wherein said characteristic of the remote computer comprises a measure of the network connectivity of the remote computer, and said address data is selected in such a way to as to minimize the communication cost of the connection with the remote computer.

In contrast, as discussed above, Domenikos is directed to allowing clients to execute legacy application programs stored at a server site via a web browser (col. 1, II. 13-16; col. 7, II. 47-51) and Lin is related to authentication of computer users for access to remote data by storing client credentials at a middle-tier server. (col. 1, II. 7-12; col. 3, II. 41-51). Thus, even if Lin was capable of being combined with Domenikos, they do not teach the subject matter of claim 17. Furthermore, as discussed above with respect to claim 1, a person of ordinary skill in the art would have had no motivation to combine Domenikos with Lin. Therefore, for at least these reasons amended claim 17 is allowable. Because claims 19-33 depend, directly or indirectly, from claim 17, they are also allowable for at least the same reasons as claim 17.

Further, with respect to claim 22, Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness because there is no suggestion or motivation to combine the teachings of Domenikos, Lin, and Schuetze. As discussed above, Domenikos is directed to allowing clients to execute legacy application programs stored at a server site via a web browser (col. 1, II. 13-16; col. 7, II. 47-51) and Lin is related to authentication of computer users for access to remote data by storing client credentials at a middle-tier server. (col. 1, II. 7-12; col. 3, II. 41-51). In further contradistinction, Schuetze is directed to a search engine for the Internet,

which attempts to include recently published information in the search results. (col. 1, II. 44-63). The Examiner cites to column 17, lines 44-64 of Domenikos as evidence of motivation to combine the cited references. That portion of Domenikos, however, merely teaches using a cache redirector to intercept a file system request, comparing the attributes of the cached copy with the attributes of a remote file, and responding appropriately to the file system request. Further, the cited portions of Schuetze (Abstract, column 10, line 66 to column 11, line 4) merely relate to ranking a set of servers for searching by a search engine based on comparison of the user query with the content of each of the servers and the frequency at which the content is altered. Thus, a person of ordinary skill in the art would not have had any motivation to combine Domenikos, Lin, and Schuetze. Accordingly, claim 22 is allowable for this additional reason as well.

Independent claim 34 includes a recitation similar to independent claim 17 and thus is patentable for at least the same reasons given above with respect to claim 17. In particular, claim 34 recites a message receiver for receiving a processing message from a central computer including address data selected by the central computer by comparison of a characteristic of the remote computer with a priority listing of the address data, wherein the characteristic comprises a measure of network connectivity of the remote computer, and wherein the address data is selected in such a way as to minimize the communication cost of connection with the remote computer.

Independent claim 35 includes a recitation similar to independent claim 17, and thus is patentable for at least the same reasons given above with respect to claim 17. In particular, claim 35 recites a manager to assign and send a processing message to a

remote computer including, address data selected by comparison of a characteristic of the remote computer with the priority listing of the address data to retrieve, and a predetermined storage location to which the processed information is to be sent, wherein said characteristic of the remote computer comprises a measure of the network connectivity of the remote computer, and said address data is selected so as to minimize the communication cost of the connection with the remote computer.

Independent claim 36 includes a recitation similar to independent claim 17, and thus is patentable for at least the same reasons given above with respect to claim 17. In particular, claim 36 recites means for receiving a processing message from a central computer including address data selected by the central computer by comparison of a characteristic of the remote computer with a priority listing of the address data, wherein said characteristic of the remote computer comprises a measure of the network connectivity of the remote computer, and said address data is selected in such a way to minimize the communication cost of connection with the remote computer. Because claims 38-51 depend, directly or indirectly, from claim 36, they are also allowable.

Independent claim 52 includes a recitation similar to independent claim 17, and thus is patentable for at least the same reasons given above with respect to claim 17. In particular, claim 52 recites receiving a processing message from a central computer including address data selected by the central computer by comparison of a characteristic of the remote computer with a priority listing of the address data, wherein said characteristic of the remote computer comprises a measure of the network connectivity of the remote computer, and said address data is selected in such a way to minimize the communication cost of connection with the remote computer. Because

claims 54-67 depend, directly or indirectly, from claim 52, they are also allowable for at least the same reasons as claim 52.

Claim 68 includes a recitation similar to claim 17, and thus is patentable for at least the same reasons given above with respect to claim 17. In particular, claim 68 includes assigning and sending a processing message to a remote computer including address data selected by comparison of a characteristic of the remote computer with a priority listing of the address data to retrieve, wherein said characteristic of the remote computer comprises a measure of the network connectivity of the remote computer, and said address data is selected in such a way to as to minimize the communication cost of the connection with the remote computer. Because claims 70-83 depend, directly or indirectly, from claim 68, they are also allowable for at least the same reasons as claim 68.

Moreover, regarding the rejection of claims 6, 15, 23, 32, 41, 50, 57, 66, 73, and 82 under 35 U.S.C. § 103(a) as being unpatentable over Domenikos and Lin, and Ueno, Applicants respectfully submit that besides the reasons given above, the Examiner has failed to establish a *prima facie* case of obviousness because a person of ordinary skill in the art would not have been motivated to combine Domenikos and Lin, with Ueno. As discussed above, Domenikos is directed to allowing clients to execute legacy application programs stored at a server site via a web browser (col. 1, ll. 13-16; col. 7, ll. 47-51) and Lin is related to authentication of computer users for access to remote data by storing client credentials at a middle-tier server. (col. 1, ll. 7-12; col. 3, ll. 41-51). In further contradistinction, Ueno is directed to shortening the time required for data transfer between a PC and a terminal unit. (col. 1, ll. 62-65). Thus, the disclosure

of Ueno is significantly different from the other cited references. A person of ordinary skill in the art would not have had any motivation to combine Domenikos, Lin, and Uneo, and thus Applicants submit that claims 6, 15, 23, 32, 41, 50, 57, 66, 73, and 82 are allowable for this additional reason.

Further, concerning the rejection of claims 12, 29, 47, 63, and 79 under 35 U.S.C. § 103(a) as being unpatentable over Domenikos and Lin, and further in view of Bakshi, Applicants respectfully submit that in addition to the reasons given above, the Examiner has failed to establish a *prima facie* case of obviousness because a person of ordinary skill in the art would not have been motivated to combine Domenikos and Lin with Bakshi. As discussed above, Domenikos is directed to allowing clients to execute legacy application programs stored at a server site via a web browser (col. 1, ll. 13-16; col. 7, ll. 47-51) and Lin is related to authentication of computer users for access to remote data by storing client credentials at a middle-tier server. (col. 1, ll. 7-12; col. 3, ll. 41-51). On the other hand, Bakshi is directed to a system for ensuring that only a single instance of a dynamic executable module (DEM) resides on a network device. (col. 1, ll. 13-17). Thus, the disclosure of Bakshi is significantly different from the other cited references. A person of ordinary skill in the art would not have had any motivation to combine Domenikos, Lin, and Bakshi, and thus Applicants deem claims 12, 29, 47, 63, and 79 allowable for this additional reason.

The Office Action contains a number of statements reflecting characterizations of the claims and/or the related art. Regardless of whether any such statements are addressed above, Applicants decline to automatically acquiesce to the correctness of any statement or characterization made by the Office.

Appln. No. 09/836,864
Amdt./Response dated November 16, 2004
Reply to Office Action mailed Aug. 16, 2004

PATENT
Customer No. 22,852
Attorney Docket No. 06821.0007-0100

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 15, 2004

By: 
Andrew B. Schwaab
Reg. No. 38,611

Finnegan Henderson Farabow
Garrett & Dunner L.L.P.
1300 I Street, NW
Washington, D.C. 20005
(202) 408-4000